

"Subdivision, major" means any subdivision which does not qualify as a minor subdivision as herein defined.

"Subdivision, minor" means a subdivision plan shall be deemed minor if all of the following conditions are met:

1. The proposal does not involve the creation of more than three lots, each fronting on an existing street or streets.
2. The proposal does not involve the construction or extension of streets or utilities.
3. The proposal does not require any variances.
4. The proposal does not involve any wetlands or floodplain disturbance.
5. Does not involve a major land development.
- 4-6. Not being a further division of an original tract of land for which previous subdivision(s) have been approved by the Town within the current calendar year and where the combination of the proposed and approved minor subdivision(s) constitute a major subdivision.
- 5-7. Any readjustment of lot lines resulting in no new lots shall be classified as a minor subdivision.

Commented [JC1]: I suggest including this as a condition in order to avoid creating landlocked parcels.

Commented [JC2]: So if an application proposing to subdivide a parcel into three lots and it doesn't meet the minimum lot width, thus requiring a bulk variance, they would be classified as major subdivision? What exactly would their application be classified as then because based on this definition, if they have a variance it is not classified as minor subdivision, it would be a major subdivision.

Couldn't the applicant seek a bulk variance relief under their minor subdivision application?

Commented [JC3]: As defined in the Town's ordinance: "Major land development" means a development plan that proposes one or more of the following:

1. A new public or private street, or dedication to public use of an existing street.
2. Buildings of 5,000 square feet or more of gross floor area.
3. Additions to existing nonresidential developments of ten or more percent of the existing gross floor area.
4. A subdivision of four or more lots.
5. Apartment or multifamily development containing five or more units.
6. Wetlands or floodplain disturbance or stream encroachment.

Commented [JC4]: Or this can be modified to the Town's preference, i.e. approved by the Town within 5 years.

Commented [JC5]: Otherwise known as "creeping major subdivision", which is where the same tract or property is the subject of more than one minor subdivision that has the effect of a major subdivision without the level of development and Approving Authority's scrutiny that a major subdivision requires.

Another thing to consider is adding a definition for "Subdivision". Below is an example for the Town's consideration:

SUBDIVISION: The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. Any of the following shall not be considered subdivisions within the meaning of this ordinance if no new streets are created:

- *Divisions of property by testamentary or intestate provisions;*
- *Divisions of property upon court order including but not limited to, judgements of foreclosure;*
- *Consolidation of existing lots by deed or other recorded instrument; and*
- *The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision".*

See "subdivision, major" and "subdivision, minor."